REMARKS

I. INTRODUCTION

Claims 4 - 8, 10 - 14 and 16 - 18 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

II. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN

Claims 4 - 8, 10 - 14, and 16 - 18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Published Application No. 2002/0120559 to O'Mara et al. ("O'Mara") in view of U.S. Patent No. 6,658,393 to Basch et al. ("Basch") and in further view of U.S. Patent No. 4,845,632 to Kroll et al. ("Kroll"). (See 6/2/08 Office Action, ¶ 4).

O'Mara describes a method for identifying merchant risk by performing tiered processing which includes a first level process identifying a first subset of merchants for review, a second level process collecting additional information for the first subset of merchants, and a third level process using the first subset of merchants and the additional information so as to identify a second subset of merchants requiring further review. (See O'Mara, Abstract).

Basch describes financial risk prediction techniques that employ scoreable transactions as input data to assess the level of financial risk of a particular account and/or account holder. (See Basch, col. 5, lines 6 - 19). A financial risk predication system (FRPS) assesses the level of financial risk pertaining to an account and/or account holder based on scoreable transactions, which are scored against predictive models within the FRPS to generate financial risk scores and/or financial risk alerts. (See Id. at col. 6, lines 56 - 63). Transaction data includes historical and current authorizations from a transaction authorization system. (See Id. at col. 8, lines 13 -

15). Model cubes that are part of a predictive model may be implemented as RAM-cached multi-dimensional databases of summarized dimensional data and metadata that supports the predictive model. (See Id. At col. 12, lines 20-23).

Kroll describes a system for a nonvolatile storage of data that employs a microcomputer coupled to two nonvolatile memories. (See Kroll, abstract). Kroll discloses setting of a postage value in a ring buffer stored in nonvolatile memory so that data that is stored prior to the commencement of a trip may be used for reconstruction should any malfunction occur. (See Id. At col. 6, ll. 52-59).

The Examiner correctly stated that neither O'Mara nor Basch discloses the use of a ring buffer. (See 6/2/08 Office Action, ¶ 5). The Examiner attempted to cure this deficiency with Kroll. However, it is respectfully submitted that Kroll does not cure this deficiency.

Claim 4 recites that "former transactions are buffered in a ring buffer." A ring buffer storing a brief history of former transactions enables real time treatment of authorization requests, polling and analysis of past transactions. The ring buffer includes a fixed number of places switched in series so that a newly stored object is pushed into the ring buffer "at the front," thus advancing all objects already present in the ring buffer in each case by one position. (See Specification, p. 15, ¶ [0070]). Accordingly, an object in the last place completely falls out of the ring buffer. (See Id.). That is, only a finite amount of data relating to former transactions is stored in the ring buffer. Furthermore, as time dictates the data in the ring buffer, the data is also related to a finite period of time where the period is equal to a time from the last place to a time from the first place. Claim 4 further recites "a method for determining an extent of a risk of a current transaction." This recitation of claim 4 further emphasizes the enabling of *real time* treatment of authorization requests, polling and analysis of past transactions.

Although Kroll discloses the use of a ring buffer, the ring buffer of Kroll is related to a use after a fault occurs. That is, when a malfunction compromises data of the system, the ring

buffer is used to reconstruct the data and a recovery may take place. Thus, the ring buffer of Kroll does not relate to a use in evaluating a current transaction. The ring buffer of Kroll is used as a back up system and, therefore, is only used after the occurrence of the fault, thereby not being for a use in real time. Kroll does not disclose or suggest using the ring buffer for data recovery during normal operation.

In addition, it is respectfully submitted that Kroll relates to postage meters. The technical field of Kroll differs from either of the technical fields of O'Mara or Basch. Because Kroll relates to postage meters, a quick data access that may be used for real time operations is not necessary as Kroll is related to providing a high reliability to allow for data recovery should a fault occur. The fact that ring buffers exist does not render claim 4 obvious. It is the use of the ring buffer to "determin[e] an extent of a risk of a current transaction" that is novel. Kroll does not teach or suggest such use of a ring buffer. Accordingly, it is respectfully submitted that those skilled in the art would find no motivation to combine these teachings.

Based on the reasons discussed above, it is respectfully submitted that neither O'Mara, Basch, nor Kroll, either alone or in combination, disclose or suggest "a method for determining an extent of a risk of a current transaction" where"former transactions are buffered in a ring buffer," as recited in claim 4. Because claims 5 - 8 depend from, and, therefore include the limitations of claim 4, it is respectfully submitted that these claims are also allowable.

Claim 10 recites "determining an extent of a risk of a current transaction" where "former transactions are buffered in a ring buffer." Claim 16 recites "a prediction model for receiving current transaction data" and "for processing the current transaction data" where "former transactions are buffered in a ring buffer." Thus, it is respectfully submitted that claim 10, claim 16, and all claims depending therefrom (claims 11 - 14 and 17 - 18) are allowable for the same reasons as claim 4.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, and an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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